

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL NO.
19-10081-IT

UNITED STATES OF AMERICA

v.

GORDON ERNST, *et al.*

INITIAL STATUS REPORT

June 3, 2019

KELLEY, M.J.

Defendants had an initial status conference on June 3, 2019. This court enters the following report and order.

- A. Automatic discovery has been produced. The government will produce further discovery on a rolling basis. Discovery is voluminous: the government to date has produced what it characterizes as “millions of pages” of discovery to defendants.
- B. In this court's view, this is a case which warrants modification of the standard schedule. Deadlines for discovery requests will be set at the next status conference. Deadlines for dispositive motions will be set when appropriate, given the pace of discovery.
- C. In this court's view, this is not a case involving unusual or complex issues for which an early joint conference of the district judge and the magistrate judge with counsel of record would be useful.
- D. The timing of expert discovery shall be set at the next status conference.
- G. With the agreement of the parties, this court finds and concludes, pursuant to the provisions of 18 U.S.C. § 3161 (h)(7)(A) that the interests of justice, i.e., review of the case, review of evidence, investigation, evaluation of discovery and dispositive motions, and consideration of alternatives concerning how best to proceed with this matter, outweighs the best interests of the public and the defendants for a trial within seventy days of the return of an indictment.

Accordingly, it is hereby ordered that, pursuant to the provisions of 18 U.S.C. § 3161 (h)(7)(A) the Clerk of this Court enter excludable time for the period of June 3, 2019 through October 1, 2019 under the Speedy Trial Act.¹

H. An Interim Status Conference has been scheduled for October 1, 2019 at 2:15 p.m.

/ s / Page Kelley
PAGE KELLEY
UNITED STATES MAGISTRATE JUDGE

¹ The parties are hereby advised that under the provisions of Rule 2(b) of the Rules for United States Magistrates in the United States District Court for the District of Massachusetts, any party may move for reconsideration by a district judge of the determination(s) and order(s) set forth herein within ten (10) days after receipt of a copy of this order, unless a different time is prescribed by this court or the district judge. The party seeking reconsideration shall file with the Clerk of this Court, and serve upon all parties, a written notice of the motion which shall specifically designate the order or part thereof to be reconsidered and the basis for the objection thereto. The district judge, upon timely motion, shall reconsider the magistrate's order and set aside any portion thereof found to be clearly erroneous in fact or contrary to law. The parties are further advised that the United States Court of Appeals for this Circuit has indicated that failure to comply with this rule shall preclude further appellate review. See Keating v. Secretary of Health and Human Services, 848 F.2d 271 (1st Cir. March 31, 1988); United States v. Emiliano Valencia-Copete, 792 F.2d 4 (1st Cir. 1986); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603 (1st Cir. 1980); United States v. Vega, 678 F.2d 376, 378-379 (1st Cir. 1982); Scott v. Schweiker, 702 F.2d 13, 14 (1st Cir. 1983); see also Thomas v. Arn, 474 U.S. 140, 106 S. Ct. 466 (1985).